

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

February 5, 2016

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, FEBRUARY 5, 2016, BEGINNING AT 9:03 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: Good morning. Will this meeting of the Maui County Council please come to order.

Mr. Clerk, will you please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBERS GLADYS C. BAISA, G. RIKI HOKAMA, AND MICHAEL P. VICTORINO.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are six Members present and three Members excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk. And for this morning's opening remarks, we have remarks from Councilmember Bob Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

CHAIR WHITE: Good morning.

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COUNCILMEMBER CARROLL: Thank you, Chair.

CHAIR WHITE: Good morning.

OPENING REMARKS

The opening remarks were offered by Councilmember Robert Carroll.

CHAIR WHITE: Thank you, Mr. Carroll.

Will you all please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you, all. And, before we proceed, will you please all turn off your cellphones.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

Pursuant to the Rules of the Council, each testifier may be allowed to testify for up to three minutes. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning, this is Dawn Lono at the Hana Office, and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez at the Lanai Office. And, our first testifier is Ron McOmber, testifying on item 16-21.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. RON MCOMBER (testifying on Committee Report 16-21):

Good morning, Chair and Members of the Council. How are you?

CHAIR WHITE: Good morning.

MR. MCOMBER: I'm testifying in support of 16-21. It's very important that you come to Lanai, and we talk about our community plan. And it's really important to us. As you saw yesterday in the paper, there is some, some discussion about that, and we need to get it out in the open. It's very important to us that, with what's going on with Ellison and the, the development of Lanai, that the Lanai people have a say so in what's going on in this community. Thank you very much.

CHAIR WHITE: Thank you, Mr. McOmber.

Members, any need for clarification? Seeing none, thank you for your testimony this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai, and there is no one here waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, we have one individual who has signed up to testify in the Council chamber. The first individual to testify in the Council chamber is Dick Mayer, testifying on Committee Report 16-21 and County Communication 16-22.

MR. DICK MAYER (testifying on Committee Report 16-21 and County Communication No. 16-21):

Thank you, Chair White.

CHAIR WHITE: Good morning.

MR. MAYER: Councilmembers. And, Happy New Year, Chinese New Year coming up. Two items, first I would like to thank you all for appropriating the funds and, and for the Kula Gym. It's a facility that's been used in the community for decades, probably half a century. But, the land under it was not owned by the County. And, this will give an opportunity for the people of, of Upcountry area to continue practicing and playing ball there, using the facility.

Hopefully the County will be able to maintain it and have control over it. And, if the time comes to expand it or modify it, the County will own the land underneath, and it'll be easier to do that. And, so I very much appreciate your taking the time and making the effort to, to get that facility.

There's a second facility nearby which is very much parallel, and that is the Kula Community Center which the County has spent several million dollars on. I'm hoping that you appropriated the funds that you will soon authorize the funds to be actually spent for that facility as well. So, the two major recreational facilities in Kula will be under County control completely. Thank you.

As to the second item. Okay, start over again. That's the Lanai Community Plan. There's been a lot of discussion about the process here. And, I'm hoping that when you go over to Lanai, that you'll actually ask the Lanai Advisory Committee, which is still constituted as you know from the County ordinances, that community plan advisory committees don't end when they make their recommendations, but rather continue until the ordinance is actually adopted. And, that you make a real effort to contact each of them, and that when you hold your hearing there, that they will, as a body, actually meet with you to discuss the changes that have taken place, the very significant changes that took place afterwards.

And, I'm very disturbed by part of the process. And, that was the constant changes being recommended by the Planning Director to the plan after the Advisory Committee, and after the Lanai Planning Commission made its recommendations. That the Planning Director keep coming, so much so that at the very last meeting of the Planning Committee, the Planning Director submitted a whole, another page of

recommendation, recommended changes to the plan even after the public had a chance to testify.

The Lanai people couldn't see it. The public in the audience here couldn't see it. We testified that morning. And, then after all the testimony was closed, submitted a whole bunch of changes which again the Council in its, at the Planning Committee level adopted.

I think those recommendations, as well as many of the others made after it left Lanai, are something that the people of Lanai do not like. It changes the direction that they're working in. And, I would hope that you will reverse many of those changes and go back to the original language that was put in there by the Committee over there, the two Committees over there.

And, I would very much appreciate you looking into that and holding meetings with the people in Lanai, and getting their sense of what they would want over there. Thank you very much.

CHAIR WHITE: Thank you, Mr. Mayer.

Members, any need for clarification of Mr. Mayer's testimony? Seeing none, thank you for being here this morning.

MR. MAYER: Thank you very much.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber. If there are any additional individuals in the Council chamber or at the District Offices who would like to offer testify, please identify yourself to the appropriate staff and proceed to the testimony lectern or District Office conference call at this time.

Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

MS. ALCON: There is no one here on Molokai waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, I note that we have received written testimony. Without objection, we'll enter that into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART
OF THE RECORD OF THIS MEETING:

1. Sydney Smith, Maui Coffee Association; and
2. Jim Smith.

CHAIR WHITE: And, with no objections, we'll close public testimony for today.

MEMBERS VOICED NO OBJECTION.

(Councilmember Hokama arrived at the meeting at 9:13 a.m.)

CHAIR WHITE: Thank you. Public testimony is closed.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of January 8, 2016 were presented at this time.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO APPROVE THE REGULAR MINUTES OF
JANUARY 8, 2016.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Nothing further. Thank you, Chair.

CHAIR WHITE: Thank you. Members, any discussion on the minutes? Seeing none, all those in favor of the motion please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and zero "noes", two "excused";
Members Baisa and Victorino.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 16-12 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 16-6, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF PARKS AND RECREATION, FISCAL YEAR 2016 BUDGET," be ADOPTED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I would request that reports 13 and 14 be brought up at this time also.

CHAIR WHITE: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

COMMITTEE REPORT

NO. 16-13 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 16-7, entitled "TRANSFERRING FUNDS WITHIN THE OFFICE OF THE COUNTY COUNCIL, COUNCIL SERVICES PROGRAM," be ADOPTED.

COMMITTEE REPORT

NO. 16-14 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 7 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF FIRE AND PUBLIC SAFETY (UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) FOREST SERVICE)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS 16-12, 13,
AND 14, WITH ITS RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this is basically some housekeeping items that we are assisting Council Services as well as two Departments regarding their "B" and "C" accounts. And, again, this is basically a housekeeping measure. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

COUNTY CLERK: Relative to Committee Report 16-12, that's RESOLUTION 16-6. Relative to Committee Report 16-13 is RESOLUTION 16-7. And relative to Committee Report 16-14 is BILL 7 (2016).

COMMITTEE REPORT
NO. 16-15 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 8 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; HANA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, KEANAE ROAD SAFETY IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That Bill 9 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4228, BILL NO. 35 (2015), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (KEANAE ROAD SAFETY IMPROVEMENTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I would request that Report 16-16 be brought up also at the same time.

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Seeing none, so ordered.

Mr. Clerk.

COMMITTEE REPORT

NO. 16-16 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 10 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; KIHEI-MAKENA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, SOUTH MAUI REGIONAL TRAFFIC MASTER PLAN; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That Bill 11 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I MOVE THAT COMMITTEE REPORT 16-15 AND 16 PASS,
WITH ITS RECOMMENDATIONS, BE APPROVED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Mr. Couch.

Members, any, oh, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I, again, your Committee was given two new considerations for Budget purposes, and the Committee is happy to, at this time, to move forward for first reading, the first bill to assist the Hana Community Plan Area, Keanae Road Improvements, for the 400,000 that will start the planning and

construction, pre-construction requirements; including the surveying, since we are aware that the State of Hawaii is the property owner adjacent to the County's right of ways.

Second, is again, another transportation request to your Budget Committee that we are putting forth 340,000 to assist the South Maui development of a Regional Traffic Master Plan. And, this would assist in us securing additional Federal funds to move projects in South Maui forward. Thank you.

CHAIR WHITE: Members, any further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I want to thank Mr. Hokama for bringing this up. And, hopefully with this potentially new organization, we might be able to get some reimbursement on, from the Metropolitan Planning Organization. But, the South Maui community has been waiting for this for a bit from the Department of Public Works so we're looking forward to the study. And, I thank Mr. Hokama's Committee for passing it out.

CHAIR WHITE: Thank you, Mr. Couch.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. On behalf of my community and the Keanae Community, I'd like to thank the Budget Chair and the Committee for bringing this forward to first reading. It's really important to our community, and it's a matter of safety. And, we deeply appreciate it. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to Committee Report 16-15, BILLS 8 and 9 (2016), respectively. Relative to Committee Report 16-16, BILLS 10 and 11 (2016), respectively.

COMMITTEE REPORT

NO. 16-17 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 12 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF FINANCE, DEPARTMENT OF LIQUOR CONTROL, DEPARTMENT OF PARKS AND RECREATION, DEPARTMENT OF PUBLIC WORKS, DEPARTMENT OF WATER SUPPLY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That Bill 13 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2016, PLAN REVIEW, PERMIT PROCESSING, AND INSPECTION REVOLVING FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I MOVE THAT COMMITTEE REPORT 16-17 WITH ITS
RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, as the Clerk has read, this is a budget amendment to take care of the additional funding requirements to meet our various contractual obligations for Bargaining Units 2, 3, and 4. Thank you.

CHAIR WHITE: Thank you. Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILLS 12 and 13 (2016), respectively

COMMITTEE REPORT

NO. 16-18 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 14 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 11, MAUI COUNTY CODE, RELATING TO ADVERTISING INSIDE COUNTY TRANSIT BUSES," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Budget and Finance Committee Report 10-16, be FILED;
3. That County Communication 09-338, from the Budget Director, be FILED; and
4. That County Communication 15-201, from the Director of Transportation, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORT 16-18
WITH ITS RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, moving this forward on first reading will have the Council be in position to consider additional revenue generation sources to assist the Department of Transportation in providing the services and programs that have been requested through the County.

Basically, this is a program that is funded through the Highway Fund. And, currently, the Highway Fund is being under duress because of the lack of revenue growth and the increased demands from the fund for more uses. And, so again, we will be discussing this in the budget, upcoming budget session.

But, I would ask that the Members support this as another way for us to help pay for things that the community is requesting. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama. Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 14 (2016).

COMMITTEE REPORT

NO. 16-19 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE:

Recommending the following:

1. That Resolution 16-8, entitled "URGING SUPPORT FOR THE ESTABLISHMENT OF A PROGRAM TO ALLOW THE CULTIVATION OF INDUSTRIAL HEMP AND DISTRIBUTION OF ITS SEEDS IN HAWAII," be ADOPTED; and
2. That County Communication 14-213, from Councilmember Donald G. Couch, Jr., be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 16-19.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman, with a second from Ms. Cochran.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on January 26, 2016, on a proposed resolution urging the Legislature to support legislation to establish a pilot program to allow the cultivation of industrial hemp and distribution of its seeds in Hawaii for purposes of agricultural or academic research.

Your Committee notes that industrial hemp is an important crop that was recognized by President Barack Obama when he signed the Farm Bill of 2014, authorizing institutions of higher education and State Departments of Agriculture to grow industrial hemp for research and agricultural pilot programs upon approval by the relevant State Legislature.

In 2014, the Hawaii State Legislature enacted Act 56 (2014), which authorized a two-year initial study on hemp remediation and biofuel crop research on Oahu by the College of Tropical Agriculture and Human Resources, University of Hawaii at Manoa. The study results were favorable, showing that there is a significant potential for a successful hemp agriculture industry in Hawaii.

Your Committee notes that agriculture is an important component of the economic viability of Maui County, with the cultivation of sugarcane playing a primary role, and its closure. However, on January 6, 2016, Alexander & Baldwin, the sole commercial sugarcane grower in Maui, Hawaii, announced that it will cease sugarcane businesses by the end of the year. In light of this news, your Committee recognized a program to allow cultivation of industrial hemp and distribution of its seeds could be particularly important to create jobs and provide opportunities for expansion of the agriculture industry in Maui County.

I also, I respectfully ask that the Council's full support of this resolution and the recommendations. And, I also would add that we would like to reserve the filing of the item, as the Committee will want to address other subjects on that item. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on this item?

DEPUTY COUNTY CLERK: Mr. Chair, just, excuse me, just for clarification, is what, what is being requested, is that County Communication 14-213 not be filed?

VICE-CHAIR GUZMAN: Yes, correct.

DEPUTY COUNTY CLERK: Okay.

VICE-CHAIR GUZMAN: Thank you.

DEPUTY COUNTY CLERK: Thank you very much, Mr. Chair.

CHAIR WHITE: Everyone clear on that? Okay, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: The measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-8.

(The Council adopted Committee Report No. 16-19, As Amended.)

COMMITTEE REPORT

NO. 16-20 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE:

Recommending that Resolution 16-9, entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL TO REGULATE AGRICULTURAL TOURISM ACTIVITIES IN THE AGRICULTURAL DISTRICT," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 16-20.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on January 26, 2016, to consider a proposed resolution to refer to the Lanai, Maui, and Molokai Planning Commissions a proposed bill to regulate agricultural tourism activities in the Agricultural District, pursuant to Chapter 205, Hawaii Revised Statutes.

Your Committee notes that Chapter 205, Hawaii Revised Statutes, allows agricultural tourism on a working farm in agricultural-zoned areas as an accessory use in a county where there is an ordinance regulating agricultural tourism. And that has three islands.

In addition, for the Maui, for Maui County the, it's basically recognizes the Maui County in Chapter 205 allows agricultural tourism activities, including overnight accommodations of up to 21 consecutive days, as a permitted use in the Agricultural District, if the Council enacts an ordinance regulating agricultural tourism activities, as set forth in Chapter 205.

Your Committee notes that the proposed bill would amend the Comprehensive Zoning Ordinance to establish an "agricultural tourism activities" as an accessory use in the Agricultural District, subject to the restrictions, including evidence of a farm plan and active farming approved by the Department of Planning, insurance requirements, and registration requirements. The agricultural tourism activities must be conducted on the site on an active agriculture operations "for the enjoyment, education, or involvement of visitors" to promote agriculture, and may include a "ranch or farm stay" of up to 21 days, horseback riding, lei making, "cultural or living history activities," and other listed activities, as defined in the proposed bill.

Agricultural tourism is a means of promoting economic development for Maui County residents while preserving agricultural lands and open-space, according to the testimony. Maui farms and ranches informed your Committee the ability to provide visitors accommodations or other forms of agricultural tourism may allow some landowners to keep their property in agricultural use.

I respectfully ask the Council for its support of this recommendations. This bill is going to the Planning Commissions, and, I assure the, the Committee that it will come back to our Committee for further vetting. It's not completely polished, and it still needs a lot of Committee work on it. Thank you.

CHAIR WHITE: Thank you very much. Members, any discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I want to thank Mr. Guzman for bringing this item up as well, and his diligent work with the Agricultural Working Group that he's formed. They worked hard on this matter. And, as, as Mr. Guzman said, this is going to, just go to the Planning Commission to get their thoughts on it as well before it comes into the Committee and we really work hard on it. So, that's what this resolution is for, is to send it down to the Planning Committees and let them get their thoughts involved.

So, I also urge that everybody take a look at that. This is something that's happening, again, worldwide. And, this will help those that farm get some income for their, their farm, because as most farmers know that farming alone isn't going to pay the bills. So, I, I urge everybody's support on this. Thank you.

CHAIR WHITE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I appreciate the work of our Committee Chair, Mr. Guzman. This morning, I was listening to it, that specific Committee meeting that he held and conducted this discussion, Chairman.

I'm going to support it with reservations this morning. I think one key area of discussion that I think needs to be held, eventually, and maybe this is something we can ask the Planning Commissions to consider since part of the initial vetment of the Council is to give some guidance to the Commissions on what we are looking for in their review and response back to Council.

I would say is, I am going to bring up BF-70, regarding agricultural dedications next month. And, this will definitely have an impact on that dedication, especially whether or not we want to then still continue with the considerations of level of subsidy for agriculture.

I would say it will, having this ag tourism component is going to make a potential shift in how I view taxation for this component, and this zoning category. So, I would say this is something we should be very diligent on. We should be very well aware of the financial ramifications of whatever decision or, or direction of change we would consider, as well as how our, and what do we want from the agricultural sector, Chairman. So, I say this because, you know, I, you know, you folks know of my intention to reduce the \$30 million subsidy for agriculture.

And, if they want tourism, and I've heard again, some of the potential options of, of overnight accommodations, well, I think it would be great to hear how Real Property would then assess and what we recommend for us, in what categories to tax. Because if it's a short-term, I have no problem looking at hotel rates. I'm going to be very upfront. You want to do short-term, I'm going to look at pushing everything into the hotel category, because this is not something that, I think, should be not to the benefit of this County tax-base, Chairman. So, thank you very much.

CHAIR WHITE: Thank you, Mr. Hokama.

Ms. Crivello, followed by Ms. Cochran.

COUNCILMEMBER CRIVELLO: Thank you, Chair. You know, I voted no during the Committee, but I too will vote yes, for the purpose of having it referred to the respective planning commission for, for consideration and, and what have you.

But, I too have concerns on the overnight stays and the STR's on agricultural lands where it's designated for farming. And, at, at this time, I'm like Mr. Hokama, looking into how we may appropriately and fairly have it with our real property tax people.

So, at this time, I too will vote yes, for the purpose of it going down to the different planning commissions, and that we will continue to have vetting on this bill.

CHAIR WHITE: Thank you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, yea, looking forward to this getting vetted through at the planning commission level, and then coming back to us to fine-tune and, and get further input from this community.

But, completely supportive. In fact, just not too long ago, got some phone calls in regards to people who are doing ag tourism in West Maui. And, they were curious what kind of taxation, what kind of taxes are they paying. I'm sure probably the GET and the business type. But, you know, in regards to us, the County, what are we getting? So, I don't know, it's something that I told the people that I would look into. And, I think this is all relevant to this discussion.

And, also just wanted, I know during our deliberations in Committee, it was kind of, you know, pushed out as, as quick as it did because of State Senator Kalani English had something on the burner, and this was going to help assist him in moving forward what he was working on.

So, I was wondering if you would allow Mr. Guzman to just say a couple words in regards to that. Because that was one of the main reasons I, I recall during Committee that we wanted to get it through to the commissions and in that process.

CHAIR WHITE: If Mr. Guzman would--

VICE-CHAIR GUZMAN: Sure.

CHAIR WHITE: --so desire.

VICE-CHAIR GUZMAN: Thank you, Chair. I was informed by our Agriculture Working Group that Mr. Kalani English, State Senator, State, excuse me, State Senator, was in communication with them, and had over the last years' legislation, had communicated that this ordinance, that section of that, of the, of HRS 205 was really designed for Maui County. Although you can't specifically say Maui County, it does indicate a County with three islands, and we're the only County with three islands.

So, he was worried about, there were a couple amendments that are still pending that were carried over, that are still alive from last year. And, he was concerned that nothing had no, no enactment to enable the, the HRS was done by the Council in the last five years, and it's coming up on the sixth year. So, he, he was concerned and informed again, the working group this year, that he'd like to see some activity done. At least something to, a leg to stand on to say that the Council, Maui County was working on, you know, some kind of enabling legislation.

I believe Mr. Victorino also had conversations with Mr. English just recently at the opening ceremonies at the Leg. So, that being said, I, I, I did request that it be pushed out to the commissions for their review. And, as I stated, I, I think that's enough to, at least, for Mr. English to say something was, something's pending, it's not just sitting in someone's committee.

I also agree with Mr. Hokama and my other colleagues, Ms. Crivello as well as Ms. Cochran, about the, the impacts that this statute or this, this ordinance may have on our, our taxes. And, that's another component that we need to work on, as well as possibly tightening up the language. But, clearly, I admit that it's not a polished version and it's, it does need much more Committee work.

By sending it to the commission, I believe we can get a, maybe a broader perspective of some of the language that's in there. I, I think they have enough direction based off of our committee reports and the committee minutes that's, I'm going to request that those be sent over to the commission as well, so they, they, they, they can review that.

But, just to get a third eye on it. And, then it should be coming back in 120 days, or 100 and, something like that, 120 days, so we will have plenty of opportunity to look into the tax implications while it's pending in the commissions, and as well as allowing Mr., Senator English to say that the Council is working on it, and that for, he can defend any type of amendments. I know that there was one that was filed two weeks ago regarding the 205 Section.

So, I believe that if we allow Mr. English to have that ability to defend it by saying that there's something pending, it will preserve at least our ability to have the option to enact this, this ordinance. I mean, we always have the, the right to not pass an ordinance and let it just dwindle. But, if we close that door, we may not ever have that opportunity to have a, to open it. So, I was basically, like I said to the Members, caught in the corner and I, I did my best judgment. And, so, thank you, Chair. I, that's my explanation.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: Thank you for that brief response.

COUNCILMEMBER COCHRAN: Yea, thank you.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, second and last time according to the Rules. So again in, in support of the motion. And, again, I appreciate Chairman Guzman's efforts. There are factors every Committee Chair deals with that tends to make adjustments on the scheduling of items. But, I can appreciate his efforts.

But, just for the record, Chairman, going through the proposed legislation and, and having your Budget Committee work on bills, BF-70, I would say my preference would be that the determination regarding whether or not it would qualify should be left with Real Property Taxation.

We're going to set up the system so that the assessors, the one that will be, be able to determine true documents filed if they choose to receive the dedication and the tax benefit that I prefer that they do the determination on this future type of considerations, not Planning Department.

You know, for me, this is not the right Department for me to put my faith and confidence to make those future determinations. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion on the item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-9.

COMMITTEE REPORT

NO. 16-21 - PLANNING COMMITTEE:

Recommending the following:

1. That a PUBLIC HEARING be HELD on the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED LANAI COMMUNITY PLAN;"
2. That the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED LANAI COMMUNITY PLAN," be SCHEDULED FOR FIRST READING, following the public hearing; and
3. That County Communication 14-283, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 16-21.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch, with a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Beginning on January 15, 2015, and meeting nine times thereafter, your Committee met to review the, a proposed bill to adopt an Updated Lanai Community Plan, including the decennial revisions required by Chapter 2.80B, Maui County Code.

Your Committee held Committee meetings on Lanai to receive testimony on the Lanai Community Plan on January 28 and 29, and June 23, which was an unprecedented meeting Committee work. We had community interaction all the way through the process. And, I want to thank the Committee Members for allowing me the leeway to do that. It was, it was well received by the community.

Your Committee recognized the efforts of the Lanai Community Plan Advisory Committee and the Lanai Planning Commission in providing recommendations on the updated community plan, and was careful to balance the comments, the recommendations of the advisory bodies, the public, the State and County agencies, including the Planning Department. Your Committee was sensitive to the concerns expressed in the public testimony that some revisions by your Committee are not consistent with recommendations of the advisory bodies.

It's interesting to note that the 1998 Lanai Community Plan, about 25 percent of the recommendations of the Community Action Advisory Committee, at the time, were not taken by the Council. So, it's, it's not a, an unprecedented thing.

The updated Lanai Community Plan represents your Committee's collective decision on how best to balance competing concerns. And, your Committee has accordingly approved, modified, or amended some recommendations of the advisory bodies. The majority of the recommendations made by the advisory bodies are unchanged. The advisory bodies are a key part of the Council's policymaking process for community plans, but the Council is ultimately responsible for the Lanai Community Plan and must approve a version it determines best serves the citizens of the County.

I respectfully ask the Council's support of your Committee's recommendations to hold a, one, a public hearing on the proposed bill on Lanai; schedule the bill for first reading following the public hearing on Lanai; and file the county communication. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Couch.

Members, any other comments?

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I can tell you our community is never dull for a small community such as ours. However, our community is very sincere and dedicated to the betterment of our total island. And, I don't think any Member of the Council questions that dedication and aloha our people have for our island.

So saying that, Chairman, you know, it's difficult for me this morning to be fully in support, since I understand the concerns that were brought up by members of the Advisory Committee as well as the Planning Commission.

And for me, you know, we started off this road for this specific update on the premise that the existing plan was a solid plan. It needed some tweaking, needed to be some updating to the current time. And yet, what I thought was a great document is now becoming something very wiewding, and not to my pleasure, making some whether it be grammatical, style changes, or what. But, in a way, for me, the Department has found a way to kind of twist what the Committee has been pushing, and has placed in the current plan for over ten years.

And, it's part of this thing regarding the prohibitions, that unless we specifically prohibit it, again, we prohibited things in the current plan. So, I don't understand why we need to make this type of stylistic changes.

But, for me, Chairman, I think it's valid what is being brought up by our community. I think we need to address it. So, I'm happy to move this forward so we can get to Lanai and face our community in their eyes when we discuss this and make our final decisions, which at this time, I'm not sure whether I'm going to support it or not. But, I will support it today to get it to Lanai, Mr. Chairman, cause I think it's only proper we do this in front of our people that's gets impacted by this plan.

And, so, saying that, I would hope, and I'm going to let the Members know now, I will be putting an amendment to take out that sentence about, on that specifically prohibited. And, I'm going to see if we can put back the current language in our, of our community plan as a replacement.

Other than that, for me, you know, yes, the Council has made changes in the past. But, in the same point though, Chairman, we have to remember this is now. For many of our residents, their third participation in community planning; their third time. And, this is the third update. So, they've been with us throughout the decades. They're not neophytes, they're not uninformed people. The community members have taken an interest over a long period of time to ensure that the County provides its fair and required services that each district needs to be successful, not only in social areas but in economic growth.

So, stating that, Chairman, again, I will support this with reservations to move it to Lanai. And, I'm making Members aware that I am going to be considering amendments. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I appreciate Mr. Hokama's comments. He's been very helpful throughout the whole process, so, even though he wasn't a Member, a voting Member of the Committee.

I want Councilmembers and the community to understand that this, bill 2.80, or I mean, Maui County Code 2.80B made some changes that required us to have island plans. Now, we went through all of the term of 2011-2012 to come up with the Maui Island Plan, and then there's community plans underneath that.

But, for Lanai and Molokai, this is not only the community plan which was, you know, pretty small, the, the existing ones that are going on now. But, it also added the island plan components which were about in eight of the chapters, are the island plan components. So, it is a bit different from the old community plans. And, that's unfortunately why it's a little bit more wieldy than the old community plan was.

So, and that necessitated some of the changes that were the, that were made. So, I just wanted to remind the folks that that's, it's not only a community plan, it's also the Lanai Island Plan. Thank you.

CHAIR WHITE: Any, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I want to thank Mr. Hokama. And, I appreciate his comments cause I completely want to be in support of what was stated. This has been one of those things where I do know the voices of the people who have been a part of and there have been constantly, you know, kind of hounding on this particular sentence in this and what have you. And, it's been really, really tough to continue to support this to move it out and move it out.

But, that's the process and so I'm supportive as Mr. Hokama said in the process. But, as in the document, definitely feel the need for some amendments. And, I'm looking forward to whatever Mr. Hokama is going to be pushing forward, and being a part of that discussion. So, thank you, Chair.

CHAIR WHITE: Thank you. Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 16-16 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated January 20, 2016)

Transmitting two reports on the settlement of claims as of December 31, 2015.

(Councilmember Crivello was excused from the meeting at 9:51 a.m.)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, very much.

CHAIRMAN, UNLESS THERE IS A REQUEST REGARDING
COMPONENTS OF THE REPORTS FROM THE DIRECTOR

OF FINANCE REGARDING SETTLEMENTS AS OF
DECEMBER 31, 2015, I MOVE THAT COUNTY
COMMUNICATION 16-16 BE FILED.

CHAIR WHITE: Any requests for consideration, Members?

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Seeing none, we have a motion from Mr. Hokama, and a second from Mr. Couch.

Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, again, this is just a report from the Director of Finance regarding the current status of claims and settlements with the County of Maui.

CHAIR WHITE: Thank you. Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, HOKAMA, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA, CRIVELLO, AND
VICTORINO.

CHAIR WHITE: Measure passes with six "ayes", zero "noes", and three "excused"; the two mentioned before plus Ms. Crivello.

Mr. Clerk.

NO. 16-17 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated January 20, 2016)

Transmitting the following bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER, WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY FILTER MODIFICATION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4226, BILL NO. 33 (2015), RELATING TO AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2016 BUDGET ORDINANCE".

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. And, my apologies to you and the Members. I'm going to take us on a journey of procedure for the, for a few moments, Members. So, I, I beg your indulgence and my apologies.

MR. CHAIRMAN, I MOVE THAT COUNTY COMMUNICATION
16-17 BE FILED.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Ms. Cochran.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. The Members will see on the agenda, and in their binders, under County Communication 16-17 and 16-18, both relate to the same project.

I am requesting filing of 16-17, Chairman and Members, because when we had originally talked with the Budget Director and the Department, we had indicated that we were willing to look at the project, not only to the purchase of the equipment, but also for the installation of the equipment.

(Councilmember Crivello returned to the meeting at 9:53 a.m.)

COUNCILMEMBER HOKAMA: And, that under the installation component, that would definitely more than qualify this project for this SRF or the revolving fund monies available from the State government and the Federal government to get us the one percent interest.

With our Finance Director's good work, we do have a GO Bond currently under 2.08 percent. But, we felt that this was something that was prudent on our part for consideration, and that upon seeing that it was only for the equipment, we requested then the Budget Director to resubmit one that had both equipment and installation as one request, instead of waiting for budget, upcoming budget session to just deal with the installation component.

So, that is the main reason, Members, for this request to file this item at this time. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused"; Members Baisa and Victorino.

Mr. Clerk.

NO. 16-18 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated January 29, 2016)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER, WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY FILTER MODIFICATION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", and
2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4226, BILL NO. 33 (2015), RELATING TO AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2016 BUDGET ORDINANCE".

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request, at this time to you and the Members to move County Communication 16-18 to be followed on ordinances on second and final reading.

CHAIR WHITE: Without objection.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, no objections, so ordered.

(THE PROPOSED BILLS ATTACHED TO COUNTY COMMUNICATION NO. 16-18 WERE PASSED ON FIRST READING AND ORDERED TO PRINT LATER IN THE MEETING, AND ASSIGNED BILL NOS. 15 (2016) AND 16 (2016). BILL NO. 15 (2016) WAS AMENDED PRIOR TO PASSAGE ON FIRST READING. COUNTY COMMUNICATION NO. 16-18 WAS THEN FILED. See pages 40 through 45 for discussion.)

CHAIR WHITE: Mr. Clerk.

NO. 16-19 - DON COUCH, CHAIR, PLANNING COMMITTEE,
(dated January 28, 2016)

Transmitting a proposed resolution entitled, "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE LANAI COMMUNITY PLAN".

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT PURSUANT TO RULE 7(E) OF THE RULES OF THE COUNCIL.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch, and a second from Mr. Carroll for a waiver.

Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, this matter relates to the Council's extension of the deadline to enact the Lanai Community Plan which is currently March 15, 2016, therefore, time is of the essence to waive this out of Committee.

CHAIR WHITE: Okay. Any further discussion, Members? Seeing none, all those in favor of the waiver please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO THE COUNTY COMMUNICATION 16-19,
ENTITLED "APPROVING A TIME EXTENSION FOR THE
COUNCIL TO ENACT THE LANAI COMMUNITY PLAN", AND
TO FILE COUNTY COMMUNICATION 16-19.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch, with a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. This resolution would extend until April 29, 2016, the deadline for the Council to approve the Lanai Community Plan. The extension of six weeks would allow the Council time to hold the required public hearing on Lanai. We had some issues in getting people in a little earlier, so you know, we had to push it back.

And, my understanding is that the current plans are to schedule the public hearing and first reading on Lanai on Saturday, March 12, 2016, with second reading tentatively scheduled for Council's regular meeting on April 1, 2016.

I urge the Council's support of this resolution.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-10.

Mr. Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted.

NO. 16-20 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated January 22, 2016)

Transmitting the County of Maui Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2015.

The recommended action is that County Communication No. 16-20 be referred to the Budget and Finance Committee.

NO. 16-21 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated January 22, 2016)

Transmitting the Department of Water Supply Financial Statements and Supplemental Information for the Fiscal Year Ended June 30, 2015, submitted by N&K CPA's, Inc.

The recommended action is that County Communication No. 16-21 be referred to the Budget and Finance Committee.

NO. 16-22 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated January 20, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING THE ACQUISITION OF THE WAIAKOA GYM FROM THE MAUI FEDERAL CREDIT UNION".

The recommended action is that County Communication No. 16-22 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

CHAIR WHITE: Members, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 4 (2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS,
OLD HALEAKALA HIGHWAY RECONSTRUCTION;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request that the Clerk also bring up Bill No. 5, since it relates to the same project.

CHAIR WHITE: So ordered.

ORDINANCE NO. _____
BILL NO. 5 (2016)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4228,
BILL NO. 35 (2015), RELATING TO THE ISSUANCE OF
GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI
(OLD HALEAKALA HIGHWAY RECONSTRUCTION)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILLS 4 AND 5 OF 2016 PASS
SECOND AND FINAL READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, Bill No. 4, again, is specifically regarding the Old Haleakala Highway Reconstruction Project. And, in this, we are asking that we are going to increase Bond/Lapsed Bonds in the amount of \$1.381750 million. From the Bond Fund, we are adding a, the Project of the Old Haleakala Highway Reconstruction for the same amount. We are showing the, reflecting increases in our CIP Project Appropriations, as well as to reflect the increase of that Appropriations.

Regarding Bill No. 5, that is regarding the authorization of the project to be placed within the General Obligation Bonds of the County of Maui for that purpose. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion on this item, these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 6 (2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE -
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY
ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILL NO. 6 (2016) PASS SECOND
AND FINAL READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this would, action would finally place, in the County's coffers, a \$5.527 million funding from the Federal Department of Highway Administration for Federal-Aid and Other Transportation projects in this County.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, the Council has before it, again, County Communication 16-18.

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 16-18

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. Members, here we go.

AT THIS TIME, MR. CHAIRMAN, I MOVE TO WAIVE
COMMITTEE REFERRAL AND REPORT PURSUANT TO
RULE 7(E) OF THE RULES OF THE COUNCIL.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion for waiver from Mr. Hokama, and a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: This would allow, moving this motion forward, Chairman, would allow the Council to take into consideration this morning the two bills that's listed on the agenda.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor of the waiver, please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes".

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. Under 16-18, Members, you see two bills for an ordinance.

AT THIS TIME, I MOVE TO PASS BILL 1 ON FIRST READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion to pass Bill 1, from Mr. Hokama, with a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: And, again, Chair, my apologies. Bill 1 is an, is entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER, WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY FILTER MODIFICATION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; that is the main motion.

At this time, Members, I would please direct you to a submittal that I just presented during this meeting. It is an amendment, motion for an amendment.

AND SO AT THIS TIME, CHAIRMAN, I MOVE TO AMEND THE PROPOSED BILL TO AMEND FISCAL YEAR 2016 BUDGET ORDINANCE AS INDICATED ON THE MARKED-UP COPY ATTACHED TO MY CORRESPONDENCE DISTRIBUTED AT TODAY'S MEETING, TO ACCOMMODATE ADJUSTMENTS TO ESTIMATED REVENUES AND TOTALS ANTICIPATED AS A RESULT OF PROPOSED BILLS THAT PASSED FIRST READING AND ORDINANCES THAT PASSED SECOND AND FINAL READING EARLIER THIS MORNING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Mr. Couch, to amend the bill.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. And, Members, as you see on the attachment to the handout we gave you, you will see us making those appropriate estimated adjustments dependent upon action by the Council.

And, so this is what I'm asking you for your consideration, and that you will see the new adjustments on the various items as listed under Estimated Revenues, and adjustment on the Total Estimated Revenues.

So, if there's any questions, Chairman, I'm happy to respond. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any questions or further discussion on this item? This is the, the normal housekeeping adjustments that we need to make when, based on the, the sequence in which bills are passed. So, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I MOVE TO PASS BILL 2, UNDER COUNTY
COMMUNICATION 16-18, AS WELL AS THE FILING OF
COUNTY COMMUNICATION.

CHAIR WHITE: Oh, I'm sorry. We didn't go back to the main motion.

COUNCILMEMBER HOKAMA: Oh, I'm sorry, Chairman. You're right. No further discussion on the motion as--

CHAIR WHITE: Any further discussion on the main motion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Okay, now back to Bill No. 2. Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman for keeping us on track.

CHAIR WHITE: It wasn't me. It was the Clerk.

COUNCILMEMBER HOKAMA: Well, thank you. That's why we have our Clerk; keeping us on track, so thank you.

AT THIS TIME, CHAIRMAN, MEMBERS, I MOVE TO PASS
BILL NO. 2, UNDER COUNTY COMMUNICATION 16-18, AS
WELL AS FILING OF COUNTY COMMUNICATION 16-18.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. Chairman, Bill No. 2 is "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4226, BILL NO. 33 (2015), RELATING TO AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2016 BUDGET ORDINANCE".

CHAIR WHITE: Okay. Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILLS 15 and 16 (2016), respectively.

Mr. Chair, proceeding with unfinished business.

UNFINISHED BUSINESS

ORDINANCES

ORDINANCE NO. _____
BILL NO. 89 (2015)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER,
WAILUKU-KAHULUI TREATMENT PLANT UPGRADES;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request that the Clerk also bring up at this time Bill No. 90, since it relates to the same project.

CHAIR WHITE: Okay, so ordered but, not without objections.

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER HOKAMA: With no objections, Chairman.

CHAIR WHITE: Yea. Thank you, so ordered.

ORDINANCE NO. _____
BILL NO. 90 (2015)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4228,
BILL NO. 35 (2015), RELATING TO THE ISSUANCE OF
GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI
(WAILUKU-KAHULUI TREATMENT PLANT UPGRADES)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO FILE BILL NO. 89 AND 90 OF 2015.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, Members, by action that we have taken just previously under County Communication 16-18, it now makes Bill No. 89 and 90 null and void, and therefore, the filing would be an appropriate action by the Council at this time. Thank you.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor of the filing please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there is no further business before the Council.

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Thank you, Members.

VICE-CHAIR GUZMAN: Point of personal privilege.

CHAIR WHITE: Mr. Guzman, I note that you don't have your orange jersey on today.

VICE-CHAIR GUZMAN: I just, I just wanted to wish everyone a very safe Super Bowl Sunday, and go Broncos. We also have a Committee --


CHAIR WHITE: That's a, that's a little beyond the, the bounds of personal privilege, but we'll, we'll allow it.

VICE-CHAIR GUZMAN: Okay. Thank you.

CHAIR WHITE: Everybody have a wonderful weekend, and thank you for being here this morning. We're adjourned.

ADJOURNMENT

The regular meeting of February 5, 2016 was adjourned by the Chair at 10:10 a.m.

A handwritten signature in black ink, appearing to read "Dennis A. Mateo", written over a horizontal line.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII



Friday, Feb. 5, 2016
AgTourism Bill - EAR-41 - CR 16-20

My name is Sydney Smith. I'm the president of The Maui Coffee Association and I own Maliko Estate Coffee Farm in Makawao. I'm also a member of The Ag Working Group.

I'm writing on behalf of The Maui Coffee Association and as a member of the Ag Working Group. I have been the chair of AgTourism for the Ag Working Group for the past two years.

I support and my Association supports AgTourism. I was asked to speak to the EAR Committee last week on January 26th, 2016. On that date I pointed out that none of the things listed in EAR-41 are impossible to do now. Some are already an unregulated accessory use and some require a costly Special Use Permit.

Last April the Hawaii State Department of Agriculture presented a Workshop here for farmers and ranchers encouraging them to participate in AgTourism. Not once did they mention that a Special Use Permit would be required. I attended that workshop as well as many farmers and ranchers from our island. When I pointed out that none of the things they were encouraging us to do were allowed, the presenters were surprised and disappointed that progress had not been made here in Maui County to bring our code into compliance with State law.

Last week one of the Councilmembers asked if I was able to make a living on my farm by farming alone. I stated that I could not. At this time I would like to point out that even HC&S with 36,000 acres and unlimited water resources was not able to make a living on their farm. What chance do any of us have with high fees, high insurance costs, high labor costs and now the FDA Food Safety Modernization Act (FSMA). Without AgTourism, none of us will be able to keep on farming and ranching without working outside jobs or without the income from AgTourism.

A couple of years ago I was on an AgTourism panel for Councilmember Don Couch's Planning Committee. Two other members of the community presented with me, Darren Strand of Haliimaile Pineapple and Tom Croly of the Maui Vacation Rental Association. I was very pleased that I had Darren, another farmer on the panel with me. He stated that without AgTourism, Haliimaile Pineapple would never operate in the black. The AgTourism was saving them.

So, you may wonder, why do we need this, if all we need is a Special Use Permit? Well, I went through the Special Use Permit process myself and I now have two vacation rentals on my farm, Maliko Estate Coffee. The income has allowed me to hire two farm workers and I have expanded my farm. But it was an arduous, soul-crushing experience. Planning Director, Will Spence told me that it used to be much harder and I was lucky. But it took two years and four different times that I had to notify my neighbors with certified letters. Neighbors who are miles away because my property is large. It takes five minutes of driving in a car to reach my nearest neighbor. Countless notarized documents, mapping, architectural assessments, inspections and hearings resulting in a 496 page document that no one will ever read. But I did it and got a unanimous decision from the Planning Commission and a standing ovation from them thanking me for cleaning up the massive garbage dump that used to exist on my property. But how will our local families ever be able to afford to go through this process? The cost in time and money was tens of thousands of dollars and my estimate from a consultant to accomplish this was \$70,000.00! So AgTourism is already happening in Maui County, but only for land owners with money to spare. I want our local farming and ranching families to be able to do this, without taking out a second and third mortgage to accomplish it.

Let's pass this ordinance and regulate AgTourism. Let's get some guidelines in place requiring liability insurance indemnifying the County. And let's expand our allowable uses and put this very necessary option within reach of our farming and ranching families.

Thank you for your consideration.

Maliko Estate Coffee
365 Kaluanui Rd.
Makawao, Maui, HI 96768
malikoestate@hawaii.rr.com

GROVER ROASTERS SURVEILLANCE
RECEIVED
2016 FEB -5 AM 7:50
OFFICE OF THE
COUNTY CLERK

Diversify Your Income with AgriTourism, Seal of Quality & More

Hilo - Thursday April 9 - 8:30am to Noon

Komohana Research Center - 875 Komohana Street, Hilo, Hi 96720

Kona - Friday April 10 - 8:30am to Noon

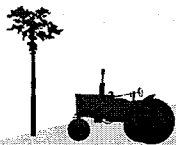
West Hawaii Civic Center, Kona Council Chambers
74-5044 Ane Keohokalole Hwy, Kailua, Hi 96740

Oahu - Thursday April 16 - 8:30am to Noon

HDOA Plant Quarantine Conference Room, 1849 Auiki Street, Hon, Hi 96819

Maui - Friday April 24 - 8:30am to Noon

MEDB - Malcolm Center Theatre, 1305 N. Holopono St, Kihei, Hi 96753



Is AgriTourism Right for Your Farm?

Presented by Lani & Pomai Weigert - Hawaii AgriTourism Association (HATA)

Introduction of Market Development Branch

Hideki Yamane, Hawaii Department of Agriculture (HDOA)

Hawaii Seal of Quality Program

Yukashi Smith, Hawaii Department of Agriculture (HDOA)

"Merging NASS, HDOA and YOUR DATA: The First Step in Growing Your Business"

Steven Wong, Hawaii Department of Agriculture (HDOA)

Introduction to Funding Sources: RFP to Writing a Proposal

Sharon Hurd, Hawaii Department of Agriculture (HDOA)



HAWAII AGRITOURISM ASSOCIATION

ESTABLISHED 2007

**RSVP no later than 48 hours
prior to event date: hdoa.md@hawaii.gov
No fee but registration is required**

We will provide reasonable accommodations to people with disabilities.

Please contact HDOA 808-973-9595 2 days prior to event.

No food & drink allowed in meeting rooms. Mahalo!

Jim Smith
99 Kapuai Road
Haiku, Maui, Hawaii 96708

February 05, 2016

Chairperson Michael White and
Members of the Maui County Council
200 S. High Street
Wailuku, Maui, Hawaii 96732

OFFICE OF THE
COUNTY CLERK

RECEIVED
2016 FEB -5 AM 8:32

SUBJECT: Lanai Community Plan

Dear Chairperson White and Members of the Council,

It appears that the Committee consideration of the Lanai Community Plan has taken a turn away from the people of Lanai and the County of Maui. Specifically, at page 9-2 and 9-3 the proposed plan states “unless specifically prohibited, the uses permitted by zoning and standards applicable to the zoning districts apply to the community plan land use designations.”

“Uses permitted” appears to apply to an individual property use and at the same moment community plan boundaries, that implement State Land Use Law, State Plan authority and our Charter. The use of the language above creates dysfunction. It transfers authority to the county administrator of land use and codes that rightfully belongs as policy of law.

Assuming the legality of this action, the inclusion of this language that belongs in the Maui County Code, in a single community plan that then must be passed in eight different plans, subverts legislative integrity and dismantles our statutory scheme.

I request that the proposed plan be transmitted to the State Office of Planning and the State Attorney Generals Office for comment on the phrase referenced here. In the alternative I request that the language be removed.
Thank you

Jim Smith
Dated: 02_05_16